



# Assisting Lawful Permanent Residents (LPRs) Overseas

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U.S. Citizenship and Immigration  
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Office of Legislative Affairs

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# U.S. Citizenship and Immigration Services

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# USCIS Processing of Lawful Permanent Residents

# **What is a Lawful Permanent Resident (LPR)?**

An alien who has been granted the privilege of permanently living and working in the United States (lawful permanent resident status), either by adjusting status from a prior immigration status within the United States or by being admitted to the United States on an immigrant visa issued abroad by the U.S.

## **What is a Lawful Permanent Resident (LPR) not?**

An LPR is not in the United States temporarily. An LPR has immigrated to the U.S. This is different from anyone who is in the U.S. on a nonimmigrant visa. Nonimmigrant visas are for those who plan to remain temporarily, and not immigrate.

# How does one become a LPR?

There are two procedures for becoming a LPR:

1. Consular Processing: Done overseas by a Department of State consular officer at an embassy or consulate.
2. Adjustment of Status: Done in the United States by a USCIS officer or Immigration Judge.

# What are the benefits of being a LPR?

LPRs enjoy many privileges, including:

1. The right to apply for naturalization after a certain period of time.
2. Employment authorization (no separate work card is needed).
3. The ability to come and go from the United States as desired (with some exceptions).
4. Often entitled to ancillary benefits (e.g., a driver's license) that may be denied to nonimmigrants.

However, LPRs are not citizens and do not have the same privileges as citizens.

# How does one adjust status?

Anyone who is admissible may apply to adjust status as long as they have a basis for adjustment. The most common bases for adjustment are:

1. Green Card Through Family
2. Green Card Through a Job
3. Green Card Through Refugee or Asylee Status
4. Other Ways to Get a Green Card

# Can a LPR lose his/her status?

LPRs can lose their status:

1. Rescission
2. Removal
3. Abandonment

As long as a LPR was entitled to that status and obeys the laws in the U.S., he/she can remain a LPR forever.

## **Is a LPR required to do anything to maintain status?**

LPRs have to follow the law so that they don't become subject to removal. They also need to renew their green cards every ten years. Renewal is done on Form I-90, which can also be used to replace lost/mutilated cards, or fix mistakes on the card.

Some older (pre-August 1989) green cards do not have expiration dates. Some of those (primarily those issued before 1979) **MUST** be replaced; however, LPRs who are not required to do so should still replace their un-expiring cards even without a requirement to do so.

## How is a Form I-90 filed?

The form and instructions can be found on the USCIS website. It is possible to submit the form either online or through the mail.

# Online Resources

For more information on green cards, visit the USCIS website at:

<http://www.uscis.gov/greencard>

USCIS also has a 124-page guide for new immigrants available online at:

<http://www.uscis.gov/files/nativedocuments/M-618.pdf>



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# Visa Section Services to LPRs overseas



- In order to apply for entry to the United States, a Lawful Permanent Resident (LPR) will need to present a passport and either:
  - A valid unexpired I-551 Permanent Resident Card ( “green card”),
  - An expired I-551 which was good for 10 years (note: a transportation carrier may still require a transportation letter/boarding foil to board),
  - An immigrant visa which has been endorsed by CBP for use as a temporary I-551 (valid for one year from the date of initial admission),
  - A valid unexpired Permit to Reenter (reentry permit),
  - A Refugee Travel Document,
  - A State Department-issued secure boarding foil, or
  - A DHS-issued transportation letter .
- Most LPRs are considered to have lost permanent resident status after remaining outside of the United States for more than one year.



# Visa Section Services to LPRs overseas



## **Special Exceptions:**

➤ Special exceptions apply to LPR employees of the U.S. government (civilian and military) and their spouses and children who are outside of the U.S. on official orders. They can travel without a valid I-551 card under certain circumstances.

## **What Service Do I Need from the Consular Section?**

- If the LPR has been out of the U.S. less than a year, but the I-551 was lost, stolen, or has expired: boarding foil.
- If the LPR has been out of the U.S. more than a year: SB-1 “returning resident” visa.

# SB-1 Returning Resident (Immigrant) Visas



Issued to former LPRs who've lost permanent resident status because of protracted stays outside of the United States.

## **Who can benefit?**

- Alien was an LPR at the time of departure from the United States.
- Alien departed from the United States with the intention of returning and hasn't abandoned this intention.
  - Minors are generally presumed to share parents' intentions.
- Returning to the United States from a temporary visit abroad (over one year or beyond expiration of re-entry permit). If the stay abroad was protracted, this is caused by reasons beyond the alien's control and for which the alien was not responsible.

# SB-1 Returning Resident (Immigrant) Visas



## How to apply?

- Check Post website, specific procedures vary regarding appointments.
- Submit Form DS-117, *Application to Determine Returning Resident Status*.
- Submit I-551, re-entry permit (if applicable), proof of time outside of United States, and proof of qualification for status.
- Pay fee (\$275) to consular section cashier.

## Where to apply?

- File the DS-117 and supporting documentation at the post in the consular district in which the applicant currently resides.
- If not an IV-issuing post, still must accept the case. Case is sent to IV-issuing post for visa application **only after** the DS-117 is approved.



# SB-1 Returning Resident (Immigrant) Visas



## **Interview:**

- The consular officer will conduct a personal interview with the applicant to determine whether the DS-117 application is approvable.
- A consular manager must review and concur.

## **Visa Application/Issuance:**

- Once the DS-117 is approved, the applicant goes through the standard Immigrant Visa application process, including paying \$220 IV Fee.
- Subject to the same medical and security screenings as all IV applicants.
- Does NOT pay DHS Immigrant Domestic Processing Fee to USCIS.



# Secure Boarding Foils



Issued to LPRs overseas who are not in possession of a valid I-551 or other entry document but who maintain permanent resident status.

## **Who can benefit?**

- LPRs who have been out of the United States for less than one year but whose I-551 has expired or was lost or stolen.
- Conditional residents who are applying after the two-year period of conditional residency need to provide evidence that they were granted or have applied for a removal of the conditions on their residency.
- The LPR must apply at a post in which there is no co-located DHS office.
- If DHS is co-located at the post, the LPR must apply to DHS for a transportation letter.



# Secure Boarding Foils



## How to apply?

- Post procedures vary. Review the post website and contact the visa section for more information.
- Report the lost/stolen I-551 to post and request boarding foil issuance.
- Complete pages 1-3 of the I-90 form (on USCIS website). Bring proof of identity, police report (if applicable), evidence of LPR status (if available).
- No fee is charged by consular sections for this service, but a no-fee receipt will be issued by the consular section cashier.
- A consular officer interviews the applicant. The officer will verify the applicant's identity and LPR status before issuing a boarding foil.
- If unable to verify identity or LPR status, post will refer case to DHS.

# Need More Information?



## ➤ **SB-1s for Returning Residents:**

[http://travel.state.gov/visa/immigrants/info/info\\_1333.html](http://travel.state.gov/visa/immigrants/info/info_1333.html)

## ➤ **Boarding Foils and Transportation Letters for LPRs with lost/stolen**

**I-551 cards:** <http://www.uscis.gov/greencard> and

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d0a33a4107083210VgnVCM100000082ca60aRC6a7543f6d1a/?vgnnextoid=d0a33a4107083210VgnVCM100000082ca60aRCRD&vgnnextchannel=d0a33a4107083210VgnVCM100000082ca60aRCRD>



# Assistance to Lawful Permanent Residents

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# LPR's are Not U.S. Citizens

- LPR's generally are not entitled to emergency and protective services provided by the U.S. government.
- LPR's having trouble in a foreign country are generally referred to their own Embassy or nearest diplomatic representative for assistance.





# Special Circumstances

- State Department may provide consular assistance to LPR's in special circumstances where overriding humanitarian grounds exist.
- Some examples: large scale evacuations, extreme humanitarian concerns, deep connection to the U.S.
- These cases are very rare.





# Additional Information

- Host government is not obligated to honor requests from the USG to provide consular assistance to an LPR.
- The Privacy Act (5 U.S.C. 552a) does pertain to LPR's.





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## Questions?